

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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REBECCA MARGOLIES,

Plaintiff,

-against-

THE CITY OF NEW YORK; MAYOR BILL DE BLASIO;
NEW YORK CITY POLICE DEPARTMENT (“NYPD”)
COMMISSIONER DERMOT SHEA; NYPD CHIEF OF
DEPARTMENT TERENCE MONAHAN; NYPD OFFICER
FIRST NAME UNKNOWN (FNU) DESTEFANO; and NYPD
MEMBERS JOHN AND JANE DOES 1-29,

Defendants.
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**STIPULATION AND
ORDER OF
SETTLEMENT OF
ATTORNEY’S FEES,
EXPENSES, AND COSTS**

21 Civ. 10839 (PKC)

WHEREAS, plaintiff Rebecca Margolies commenced this action by filing a complaint in the Supreme Court of the State of New York, County of Bronx on or about September 1, 2020, alleging that defendants City of New York, Dermot Shea, Terence Monahan, Bill de Blasio, and Officer Brian DeStefano violated her federal civil and state common law rights; and

WHEREAS, this action was removed to federal court on or about December 17, 2021;

WHEREAS, plaintiff filed an Amended Complaint on or about April 7, 2022;

WHEREAS, plaintiff filed a Second Amended Complaint on or about May 17, 2022;

WHEREAS, defendants served plaintiff with an Offer of Judgment pursuant to Fed. R. Civ. P. 68 on September 14, 2022; and

WHEREAS, plaintiff accepted defendants' Rule 68 Offer of Judgment on September 22, 2022; and

WHEREAS, all defendants deny any and all liability arising out of plaintiff's allegations; and

WHEREAS, plaintiff's counsel represent that plaintiff has assigned all of her rights to attorneys' fees, expenses, and costs to her counsel, Cohen & Green, P.L.L.C. and Gideon Orion Oliver, Esq.; and

WHEREAS, counsel for defendants and plaintiff now desire to resolve the issue of attorneys' fees, expenses, and costs without further proceedings;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, the attorneys of record for the respective parties to the above-captioned action, as follows:

1. Defendant City of New York hereby agrees to pay plaintiff's counsel, Cohen & Green, P.L.L.C. and Gideon Orion Oliver, Esq., the total sum of Seventeen Thousand (\$17,000.00) Dollars in full satisfaction of plaintiff's claims for attorneys' fees, expenses, and costs. In consideration for the payment of Seventeen Thousand (\$17,000.00) Dollars, counsel for plaintiff agrees to release and discharge defendants City of New York, Dermot Shea, Terence Monahan, Bill de Blasio and Officer DeStefano; their successors or assigns; and all past and present officials, employees, representatives, and agents of the City of New York or any entity represented by the Office of the Corporation Counsel, from any and all claims of attorneys' fees, expenses, and costs that were or could have been alleged in the aforementioned action.

2. Counsel for plaintiff hereby agree and represent that no other claims for attorneys' fees, expenses, or costs arising out of this action shall be made by or on behalf of plaintiff in any application for attorneys' fees, expenses, or costs at any time. Cohen & Green, P.L.L.C. and Gideon Orion Oliver, Esq. agree to indemnify and hold harmless the City of New York, Dermot Shea, Terence Monahan, Bill de Blasio and Officer DeStefano; their successors or assigns; and all past and present officials, employees, representatives, and agents of the City of New York or any entity represented by the Office of the Corporation Counsel, from any and all claims for attorneys' fees, expenses, and costs brought by, for, or on behalf of plaintiff Rebecca Margolies arising out of, or related to, this matter.

3. Nothing contained herein shall be deemed to be an admission by the defendants that they have in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules or regulations of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations, except to enforce the terms of this agreement.

4. This Stipulation and Order contains all the terms and conditions agreed upon by counsel for defendants and plaintiff hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of attorneys' fees, expenses, or costs shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York
January 25, 2023

COHEN & GREEN, P.L.L.C.
Attorneys for Plaintiff
1639 Centre Street, Ste. 216
Ridgewood, NY 11385

HON. SYLVIA O. HINDS-RADIX
Corporation Counsel of the
City of New York
*Attorney for Defendants City of New York,
Shea, Monahan, de Blasio, and
DeStefano*
100 Church Street, 3rd Floor
New York, New York 10007

By: _____

J. Remy Green
Attorney for Plaintiff

By: _____

Andrea Osgood
Senior Counsel

GIDEON ORION OLIVER
Attorney for Plaintiff
277 Broadway, Suite 1501
New York, NY 10007

By: _____

Gideon Orion Oliver
Attorney for Plaintiff

SO ORDERED:

HON. P KEVIN CASTEL
UNITED STATES DISTRICT JUDGE

Dated: _____, 2023